UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

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COLORADO-ARKANSAS-TEXAS DISTRIBUTING, : Civil Action

L.L.C., **Docket No. 1:06-cv-01937-UA**

(RCC)

Plaintiff,

- VS. -

NOTICE OF CROSS-MOTION FOR SUMMARY

AMERICAN EAGLE FOOD PRODUCTS, INC.,

JUDGMENT

Defendant/Counterclaimant.

TO: Cohn Lifland Pearlman Herrmann & Knopf, LLP

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Saddle Brook, New Jersey 07663

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Attorneys for Defendant/Counterclaimant

PLEASE TAKE NOTICE, that Brief Carmen & Kleiman, LLP, attorneys for plaintiff/counterclaim defendant, hereby cross-moves before the Honorable Richard Conway Case, U.S.D.J. at the United States Courthouse for the Southern District of New York for the entry of an Order in the form submitted herewith, granting Plaintiff/Counterclaim - Defendant's Cross-Motion for Summary Judgment pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, and other relief as the Court deems just and proper in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that in support of this cross-motion,
Plaintiff/Counterclaim - Defendant shall rely on this Notice of Cross-Motion, Memorandum of
Law in Support of Plaintiff/Counterclaim Defendant's Cross-Motion for Summary Judgment,
Statement of Undisputed Material Facts In Support of the Instant Cross-Motion, Affidavit of

Thomas M. Lyda, III with supporting exhibits submitted therewith, and Affidavit of Richard E. Carmen, with supporting exhibits submitted therewith.

PLEASE TAKE FURTHER NOTICE that counsel for Plaintiff/Counterclaim-Defendant hereby requests oral arguments at a date and time to be set by this Court.

Respectfully submitted,

BRIEF CARMEN & KLEIMAN, LLP

Attorneys for Plaintiff/Counterclaim - Defendant

/s/ Ira Kleiman_

By: Ira Kleiman, Esq. (IK- 6657) 805 Third Avenue, 11th Floor New York, NY 10022 (212) 758-6160 or (212) 832-5570

Dated: February 13th 2007